

Serial No. 10/798,699

REMARKS

The aforementioned deletions and insertions to the Title Page, Abstract, and the Specification are believed to be in compliance with CFR 1.121. In order to clearly set forth the amended portions of the specification, applicants have enclosed a copy with corrective markings. Please insert the entire rewritten text as it is presented, without corrective markings, in the accompanying replacement copy of the Specification.

The applicants have amended certain descriptions in the Specification and the Claim with the objective of presenting a full, clear and complete description of the cultivar in order to comply with 37 CFR 1.163 and 35 U.S.C. 112 and to overcome the objections listed in the Office Action dated 08/10/2004. Specifically:

In response to the objections set forth in paragraph A of the Office Action, the Specification has been amended to remove reference to subgenus.

In response to the objections set forth in paragraph B of the Office Action, the Specification has been amended to correct the disclosure of the botanical classification of the instant plant.

In response to the objections set forth in paragraph C of the Office Action, the Specification has been amended to correct the text containing a description of the cultivars compared in chart 1.

In response to the objections set forth in paragraph D of the Office Action, the Specification has been amended to set forth the diameter of the peduncle.

In response to the objections set forth in paragraph E of the Office Action, the Specification has been amended to clarify the subheading, underneath which the tepal color is described.

In response to the objections set forth in paragraph F of the Office Action, the Specification has been amended to provide additional botanical descriptive data referring to the tepal dimensions as well as the base descriptor.

In response to the objections set forth in paragraph G of the Office Action, the Specification has been amended to set fourth the number of pistils per flower.

In response to the objections set forth in paragraph H of the Office Action, the Specification has been amended to provide additional botanical descriptive data referring to the stems of the claimed plant.

In response to the objections set forth in paragraph I of the Office Action, the Specification has been amended to provide additional botanical descriptive data referring to the petiolule of the claimed plant.

In response to the objections set forth in paragraph J of the Office Action, the Specification has been amended to provide additional botanical descriptive data referring to the leaflets of the claimed plant.

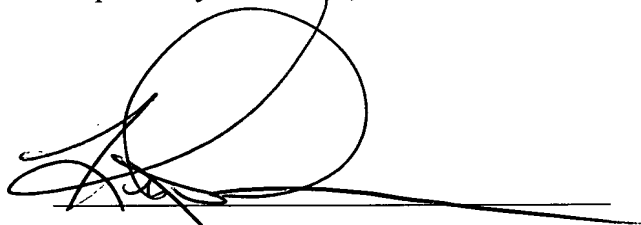
In response to the objections set forth in paragraph K of the Office Action, the Specification has been amended to set fourth the typical and observed leaflet margin descriptor.

In response to the objections set forth in paragraph L of the Office Action, the Claim has been amended for simplicity.

For all the reasons listed above, the applicants respectfully submit that the errors in the Specification are corrected, and that the claims comply with Section 112. The application is believed to be in condition for allowance, and notice thereof is respectfully requested.

Applicants have enclosed a statement under 37 CFR 3.73(b), which establishes evidence that the undersigned is authorized to act on behalf of the assignee, Poulsen Roser A/S.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ken Rynearson', is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

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MARKED UP  
**COPY**

10/798,699

UNITED STATES PLANT PATENT APPLICATION

of

RAYMOND J. EVISON AND MOGENS N. OLESEN

for

CLEMATIS PLANT NAMED

'Evipo018'

Y909



CLEMATIS PLANT NAMED  
'Evipo018'

ABSTRACT OF THE DISCLOSURE

A new Clematis cultivar which is well suited to propagation in glasshouses. With a compact growth habit, profuse, red-purple flowers, and recurrent flowering habit. The variety successfully propagates from softwood cuttings and is suitable for cultivation in commercial glasshouses. This new and distinct variety has shown to be uniform and stable in the resulting generations from propagation.

## SUMMARY OF THE INVENTION

### BOTANICAL CLASSIFICATION

Genus - *Clematis*

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~~Subgenus - flammula~~

Species

~~Section~~ - viticella

Variety Denomination

'Evipo018'

### COMMERCIAL CLASSIFICATION

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Early Flowering - Large Flower Cultivar

The present invention constitutes a new and distinct variety of *Clematis* which originated from a controlled crossing between the female parent, an unnamed, non-patented seedling and the male parent, an unnamed, non-patented seedling.

15

The new clematis may be distinguished from its female seed parent by the following characteristic:

20

While the seed parent has pink flowers 'Evipo018' has red-purple flowers.

The new clematis may be distinguished from its male pollen parent by the following characteristics:

25

While the pollen parent achieves an average season's growth of 2 to 2.5 meters, 'Evipo018'

normally produces 1.5 to 2 meters of growth in one season.

5 The two parents were crossed and the resulting seed was planted in a controlled environment. The new variety is named 'Evipo018'.

10 The objective of the hybridization was to create a new and distinct variety for commercial glasshouse and nursery culture with unique qualities such as:

1. Medium sized red-purple flowers;
2. Compact growth habit;
3. Yellow flower center;
4. Attractive "tulip like" initial opening of  
15 the flower bud.

These qualities required improvement in Clematis varieties that were in commercial cultivation and the objectives have been substantially achieved in  
20 the new variety, as evidenced by the unique combination of characteristics that are present in 'Evipo018' which distinguish it from all other varieties of which we are aware.

25 The seeds from the aforementioned hybridization were germinated and evaluations of the resulting seedling plants were conducted in a controlled

environment. As a result, 'Evipo018' was selected  
by Raymond J. Evison and Mogens N. Olesen in their  
Clematis development program in Domarie Vineries Les  
Sauvagees, St. Sampsons, Guernsey, Channel Islands,  
5 United Kingdom in April 1998.

Asexual reproduction of 'Evipo018' by cuttings was  
first done by Raymond J. Evison and Mogens N. Olesen  
in Domarie Vineries Les Sauvagees, St. Sampsons,  
10 Guernsey, Channel Islands, United Kingdom in May  
1998. This initial and subsequent propagations have  
demonstrated that the characteristics of 'Evipo018'  
are true to type and are transmitted from one  
generation to the next.

15

#### BRIEF DESCRIPTION OF THE DRAWING

The accompanying color illustration show as  
true as is reasonably possible to obtain in color  
20 photographs of this type:

- Fig. 1.1 Bloom, upper side;
- Fig. 1.2 Bloom, lower side;
- Fig. 1.3 Mature leaf;
- Fig. 1.4 Flower bud 1/4 open;
- 25 Fig. 1.5 Flower bud attached to stem with  
juvenile leaves;
- Fig. 1.6 Stem showing attachment of



leaflets, and juvenile growth.

#### DETAILED DESCRIPTION OF THE VARIETY

5           The following is a detailed description of  
          'Evip018', as observed in its growth throughout the  
          flowering period in glasshouses at Domarie Vineries  
          Les Sauvagees, St. Sampsons, Guernsey, Channel  
          Islands, United Kingdom. Observed plants were  
10       cultivated for a period of 24 months in 2 liter  
          containers under normal glasshouse conditions.  
          Certain phenotypical characteristics of the variety  
          may vary under different environmental, cultural,  
          agronomic, seasonal, and climatic conditions. Color  
15       references are made using the Royal Horticultural  
          Society (London, England) Colour Chart, 1995.

          For a comparison, the nearest existing Clematis  
          variety is 'Evifive', a patented variety described  
          and illustrated in U.S. Plant Patent No. 10,913  
20       issued May 25, 1999. Chart 1 details several  
          physical characteristics of 'Evip018' ~~the applicant~~ and the  
          comparison variety.

Chart 1

	'Evip018'	'Evifive'
25   Leaflet Size	50 mm wide	30 mm wide
Typical season's growth	1.5 to 2 meters	2 to 2.5 meters

Flower Size	100 to 120 mm	150 to 180 mm
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### FLOWER AND FLOWER BUD

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**Blooming habit:** Recurrent. Flowering period is normally May to June, and August to September.

**Flower bud:**

10           **Size:** 30 to 50 mm in length. Bud diameter is 10 to 20 mm.

Bud form: Long ovoid.

Bud color: Red-Purple Group 61A at 1/4 opening.

15           **Peduncle:**

Surface: Smooth.

Length: 90 to 120 mm average length.

**DIAMETER** **2.5 mm.**

Color: Green Group 137B.

Strength: Strong. Erect.

20           **Receptacle:** None observed.

**Flower Arrangement:**

Borne: Singly.

**Flower bloom:**

25           **Size:** 100 to 120 mm in diameter. 45 mm in depth.

Profile:

Upon opening, flowers are flat to  
concave, with slightly reflexing tepals

TEPAL Color:

Upon opening:

5 Upper surface is Red-Purple Group  
71A. The reverse side is Red-Purple  
Group 71A. A central bar, the color  
of Red-Purple Group 72B extends the  
length of the tepal on both the  
10 upper and lower surfaces.

After opening:

Upper surface is Red-Purple Group  
71A. The reverse side is Red-Purple  
Group 72A. A central bar, the color  
15 of Red-Purple Group 72B extends the  
length of the tepal on both the  
upper and lower surfaces.

Variations: At the base, tepals are Red-  
Purple Group 61A and White Group  
20 155A.

General Tonality: Red-Purple Group 71A.

Fragrance: None to very light floral scent.

Lasting quality on plant: 5 to 10 days.

Lasting quality as a cut flower: 1 to 3 days.

25

**Tepals:**

Quantity: Single. Six tepals on average.

- Size: 80 to 90 mm 30 to 40 mm  
~~55 mm~~ in length by ~~32 mm~~ wide.
- Shape: Individual tepal shape is obovate.
- Cross section: Reflexed.
- 5 Margins: Entire.
- Undulation of margin: Absent.
- Tepal apex: Cuspidate.
- TEPAL BASE: ACUTE.
- Recurvature of tip: Slight.
- Arrangement: Tepals are arranged regularly.
- 10 **Reproductive Organs:**
- Arrangement: Open.
- Pollen:
- Quantity: Abundant.
- Color: Yellow Group 11B.
- 15 Anthers:
- Size: 4 to 7 mm in length.
- Color: Yellow Group 11B.
- Quantity: 80 (actual count).
- Filaments:
- 20 Color: White Group 155A.
- Length: 12 mm.
- Pistils:
- Color: Yellow Group 11B.
- QUANTITY: 50 to 70
- 25 Stigmas: As the flower ages, stigmas increasingly protrude from the anthers and filaments.
- Styles:

Color: Yellow Group 11B.

PLANT

5      **Plant form:** Climbing and spreading.

**Plant growth:** Moderately vigorous.

**Size:** Seasons growth attains 1.5 to 2  
meters in height. Average spread is  
0.75 meters.

10    **Hardiness:** Trials to date show the variety hardy  
in USDA Zones 4-9.

**Stems:**

15                      **Color:**      Young wood:      Green Group 138A with  
intonations of Greyed-  
Purple 183C.

                         Older wood:      Greyed-Orange Group  
165C.

**Internodes:**

**Shape:**      Cylindrical.

20                      **Length:**      100 to 120 mm.

**Surface:**

                         Young wood:      Smooth.

                         Older wood:      Smooth.

STEM LENGTH: TYPICALLY 70 to 120 CM FROM THE BASE OF  
THE PLANT TO THE FLOWERING PORTION.

STEM DIAMETER: 2.5 to 3 mm.

25    **Plant foliage:**

**Leaf characteristics:**      Deciduous.

Mature Leaf form: Pinnate. There are 3  
leaflets on average.

Compound Leaf size: Mature compound leaves are  
180 to 210 mm in length by  
150 to 180 mm wide.

Color:

Upper surfaces of mature leaves  
are Green Group 137B. Lower  
surfaces are Green Group 137B.

10 Plant leaves and leaflets:

Petioles:

Size: Average length: 60 to 80 mm.

Color: Green Group 137B.

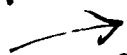
Clasping: By leaf petiole.

Surface texture underneath: Smooth.

Stipules: Absent.

15

(INSET)



PETIOLE

LENGTH: 40 to 50 mm

DIAMETER: 1 mm

COLOR: GREYED PURPLE

183 B.

Leaflet Shape: LANCEOLATE to CORDATE.

Base: Rounded to cordate.

Apex: Acute.

20

Margin: ~~Undulate.~~ ENTIRE

Leaflet Size: 80 mm (l) x 50 mm (w).

Texture:

Upper Surface: Rough. Matte appearance.

Lower Surface: Rough. Glossy appearance.

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Thickness: Moderate.

Disease resistance:

Subject to any disease that normally attacks the

species, however the variety is more tolerant to mildew than some Clematis.

CLAIM

We claim a new and distinct variety of clematis  
5 ~~NAMED EMP0018 AS ILLUSTRATED AND DESCRIBED HEREIN~~  
plant, ~~substantially as herein shown and detailed,~~  
~~as a distinct and novel clematis variety~~ due to its  
abundant red-purple flowers with good keepability,  
attractive long lasting foliage and compact growth,  
year round flowering under glasshouse conditions,  
10 suitability for production from softwood cuttings in  
pots, durable flowers and foliage which make the  
variety suitable for distribution in the floral  
industry.